

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ATILIO ARELO,

:  
Plaintiff,

:  
-against-

:  
BLOOMBERG L.P.; THOMAS BOEKAMP,  
HANK KELBAUGH, and BENNY TRAMO,  
individually, and in their official capacities as  
employees of Bloomberg L.P.,

:  
07-CV-6906 (LAK)

:  
ANSWER OF DEFENDANT  
BLOOMBERG L.P.

:  
Defendants.

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Defendant Bloomberg L.P. (“Bloomberg”), by and through its undersigned  
counsel, Willkie Farr & Gallagher LLP, hereby answers Plaintiff’s Amended Complaint (the  
“Complaint”), dated October 9, 2007, as follows:

**AS TO ALLEGATIONS CONCERNING “NATURE OF THE ACTION”**

1. Bloomberg respectfully submits that Paragraph 1 of the Complaint sets forth a description of the action as to which no response is necessary.
2. Bloomberg denies the averments of paragraph 2 of the Complaint.
3. Bloomberg denies the averments of paragraph 3 of the Complaint.
4. Bloomberg denies the averments of paragraph 4 of the Complaint.

**AS TO ALLEGATIONS CONCERNING “PARTIES”**

5. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of the first two sentences of paragraph 5 of the Complaint. Bloomberg denies the averments of the last two sentences of paragraph 5 of the Complaint.

6. Bloomberg admits the averments of paragraph 6 of the Complaint.

7. Bloomberg admits the averments of the first two sentences of paragraph 7 of the Complaint. Bloomberg denies the averments of the last sentence of paragraph 7 of the Complaint. [need confirmation by Boekamp]

8. Bloomberg admits the averments of the first two sentences of paragraph 8 of the Complaint, but states that Kelbaugh may not have been the senior Manager to whom Boekamp reported to during the entire time Arelo was employed as a Translator by Bloomberg in its Global Data division. Bloomberg denies the averments of the last sentence of paragraph 8 of the Complaint.

9. Bloomberg denies the averments of paragraph 9 of the Complaint.

**AS TO ALLEGATIONS CONCERNING “JURISDICTION AND VENUE”**

10. Bloomberg respectfully submits that Paragraph 10 of the Complaint states a legal conclusion as to which no response is necessary.

11. Bloomberg respectfully submits that Paragraph 11 of the Complaint states a legal conclusion as to which no response is necessary.

12. Bloomberg respectfully submits that Paragraph 12 of the Complaint states a legal conclusion as to which no response is necessary.

**AS TO ALLEGATIONS CONCERNING**

**"EXHAUSTION OF ADMINISTRATIVE REMEDIES"**

13. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 13 of the Complaint.

**AS TO ALLEGATIONS CONCERNING "FACTUAL STATEMENT"**

14. Bloomberg admits the averments of the first sentence of paragraph 14 of the Complaint. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of the second sentence of paragraph 14 of the Complaint.

15. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 15 of the Complaint.

16. Bloomberg denies the averments of the first and third sentences of paragraph 16 of the Complaint. Bloomberg admits the averments of the second and fourth sentences of paragraph 16 of the Complaint.

17. Bloomberg admits that Arelo was sometimes absent from work during the 2001-2003 period. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the statements that these absences were health-related or that they were for the purpose of receiving treatment for a heart condition. Bloomberg denies the remainder of the averments of paragraph 17 of the Complaint.

18. Bloomberg denies the averments of paragraph 18 of the Complaint.

19. Bloomberg admits the averments of the first sentence of paragraph 19 of the Complaint. Bloomberg denies the averments of the second sentence of paragraph 19 of the Complaint. Bloomberg denies the averments of the footnote to paragraph 19 of the Complaint.

20. Bloomberg denies the averments of paragraph 20 of the Complaint.

21. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 21 of the Complaint.

22. Bloomberg denies the averments of paragraph 22 of the Complaint.

23. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of the first sentence of paragraph 23 of the Complaint. Bloomberg denies the averments of the second sentence of paragraph 23 of the Complaint.

24. Bloomberg denies the averments of paragraph 24 of the Complaint.

25. Bloomberg denies the averments of paragraph 25 of the Complaint.

26. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of the first sentence of paragraph 26 of the Complaint. Bloomberg denies the averments of the next four sentences of paragraph 26 of the Complaint. Bloomberg admits the averments of the last sentence of paragraph 26 of the Complaint, in that Boekamp did not act in a manner as described in paragraph 26 while supervising employees.

27. Bloomberg denies the averments of the first sentence of paragraph 27 of the Complaint, except admits that Mr. Arelo complained to Human Resources about alleged conduct by Boekamp. Bloomberg denies the averments contained in the second sentence of paragraph 27 of the Complaint, except admits that Gina Gibbons investigated Mr. Arelo's complaints.

28. Bloomberg denies the averments of paragraph 28 of the Complaint.

29. Bloomberg denies the averments of paragraph 29 of the Complaint.

30. Bloomberg denies the averments of paragraph 30 of the Complaint.

31. Bloomberg denies the averments of paragraph 31 of the Complaint.

32. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of the first sentence of paragraph 32 of the Complaint, except admits that Arelo complained to Human Resources from time to time throughout his employment. Bloomberg denies the averments of the second sentence of paragraph 32 of the Complaint.

33. Bloomberg denies the averments of paragraph 33 of the Complaint.

34. Bloomberg denies the averments of paragraph 34 of the Complaint.

35. Bloomberg denies the averments of paragraph 35 of the Complaint.

36. Bloomberg denies the averments of paragraph 36 of the Complaint.

37. Bloomberg denies the averments of paragraph 37 of the Complaint.

38. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 38 of the Complaint.

39. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of the first sentence of paragraph 39 of the Complaint. Bloomberg admits the averments of the second sentence of paragraph 39 of the Complaint. Bloomberg denies the averments of the last three sentences of paragraph 39 of the Complaint.

40. Bloomberg denies the averments of paragraph 40 of the Complaint.

41. Bloomberg denies the averments of the first sentence of paragraph 41 of the Complaint. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of the second sentence of paragraph 41 of the Complaint.

42. Bloomberg denies the averments of paragraph 42 of the Complaint.

43. Bloomberg denies that the performance meeting referenced in the first sentence of paragraph 43 of the Complaint was “supposed.” Bloomberg admits the averments of the second sentence of paragraph 43 of the Complaint. Bloomberg denies the averments of the last two sentences of paragraph 43 of the Complaint.

44. Bloomberg denies the averments of paragraph 44 of the Complaint.

45. Bloomberg denies the averments of paragraph 45 of the Complaint.

46. Bloomberg denies the averments of paragraph 46 of the Complaint.

47. Bloomberg admits the averments of the first sentence of paragraph 47 of the Complaint. Bloomberg denies the averments of the last three sentences of paragraph 47 of the Complaint.

48. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 48 of the Complaint.

49. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 49 of the Complaint, except that Bloomberg denies that Kelbaugh was involved in the incident described.

50. Bloomberg denies the averments of paragraph 50 of the Complaint.

51. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 51 of the Complaint.

52. Bloomberg denies the averments of paragraph 52 of the Complaint.

53. Bloomberg denies the averments of paragraph 53 of the Complaint.

54. Bloomberg denies the averments of paragraph 54 of the Complaint.

55. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 55 of the Complaint.

56. Bloomberg admits the averments of the first sentence of paragraph 56 of the Complaint. In response to the second sentence of paragraph 56 of the Complaint, Bloomberg states that at the time of the filing of the Complaint, Arelo was not being paid by Bloomberg and he had not been notified about any termination of his employment.

**AS TO FIRST CAUSE OF ACTION**

57. Paragraph 57 of the Complaint does not require a response.

58. Bloomberg states that the averments of paragraph 58 of the Complaint call for a legal conclusion as to which no response is required.

59. Bloomberg denies the averments of paragraph 59 of the Complaint, except admits that Mr. Arelo began his employment at Bloomberg on or about January 2, 2001.

60. Bloomberg denies the averments of paragraph 60 of the Complaint.

61. Bloomberg denies the averments of paragraph 61 of the Complaint.

62. Bloomberg responds to the averments of paragraph 62 of the Complaint by stating that no Bloomberg employees, including Arelo, were treated in the manner described in paragraph 62 of the Complaint.

63. Bloomberg denies the averments of paragraph 63 of the Complaint.

64. Bloomberg denies the averments of paragraph 64 of the Complaint.

**AS TO SECOND CAUSE OF ACTION**

65. Paragraph 65 of the Complaint does not require a response.

66. Bloomberg states that the averments of paragraph 66 of the Complaint call for a legal conclusion as to which no response is required.

67. Bloomberg denies the averments of paragraph 67 of the Complaint.

68. Bloomberg denies the averments of paragraph 68 of the Complaint.

69. Bloomberg denies the averments of paragraph 69 of the Complaint.

70. Bloomberg denies the averments of paragraph 70 of the Complaint.

71. Bloomberg denies the averments of paragraph 71 of the Complaint.

72. Bloomberg denies the averments of paragraph 72 of the Complaint.

#### **AS TO THIRD CAUSE OF ACTION**

73. Paragraph 73 of the Complaint does not require a response.

74. Bloomberg states that the averments of paragraph 74 of the Complaint call for a legal conclusion as to which no response is required.

75. Bloomberg states that it is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 75 of the Complaint.

76. Bloomberg denies the averments of paragraph 76 of the Complaint.

77. Bloomberg denies the averments of paragraph 77 of the Complaint.

#### **AS TO FOURTH CAUSE OF ACTION**

78. Paragraph 78 of the Complaint does not require a response.

79. Bloomberg denies the averments of paragraph 79 of the Complaint.

80. Bloomberg denies the averments of paragraph 80 of the Complaint.

**AS TO FIFTH CAUSE OF ACTION**

81. Paragraph 81 of the Complaint does not require a response.
82. Bloomberg denies the averments of paragraph 82 of the Complaint.
83. Bloomberg denies the averments of paragraph 83 of the Complaint.
84. Bloomberg denies the averments of paragraph 84 of the Complaint.
85. Bloomberg states that the averments of paragraph 85 of the Complaint call for a legal conclusion as to which no response is required.

86. Bloomberg denies the averments of paragraph 86 of the Complaint.

**AS TO SIXTH CAUSE OF ACTION**

87. Paragraph 87 of the Complaint does not require a response.
88. Bloomberg denies the averments of paragraph 88 of the Complaint.
89. Bloomberg denies the averments of paragraph 89 of the Complaint.

**AS TO SEVENTH CAUSE OF ACTION**

90. Paragraph 90 of the Complaint does not require a response.
91. Bloomberg denies the averments of paragraph 91 of the Complaint.
92. Bloomberg responds to the averments of paragraph 92 of the Complaint by stating that no employees of Bloomberg, including Arelo, were subject to such treatment.

93. Bloomberg denies the averments of paragraph 93 of the Complaint.

94. Bloomberg denies the averments of paragraph 94 of the Complaint.

95. Bloomberg denies the averments of paragraph 95 of the Complaint.

#### **AS TO EIGHTH CAUSE OF ACTION**

96. Paragraph 96 of the Complaint does not require a response.

97. Bloomberg denies the averments of paragraph 97 of the Complaint, and further states that it is without knowledge or information to form a belief as to the truth of whether Arelo is a “Latin American” man.

98. Bloomberg responds to the averments of paragraph 98 of the Complaint by stating that no employees of Bloomberg, including Arelo, were subject to such treatment.

99. Bloomberg denies the averments of paragraph 99 of the Complaint.

100. Bloomberg denies the averments of paragraph 100 of the Complaint.

101. Bloomberg denies the averments of paragraph 101 of the Complaint.

#### **AS TO NINTH CAUSE OF ACTION**

102. Paragraph 102 of the Complaint does not require a response.

103. Bloomberg denies the averments of paragraph 103 of the Complaint.

104. Bloomberg denies the averments of paragraph 104 of the Complaint.

105. Bloomberg denies the averments of paragraph 105 of the Complaint.

**AS TO TENTH CAUSE OF ACTION**

106. Paragraph 106 of the Complaint does not require a response.

107. Bloomberg denies the averments of paragraph 107 of the Complaint.

108. Bloomberg denies the averments of paragraph 108 of the Complaint.

109. Bloomberg responds to paragraph 109 by stating that no Bloomberg employees, including Arelo, were subjected to treatment of the type alleged in paragraph 109.

110. Bloomberg denies the averments of paragraph 110 of the Complaint.

111. Bloomberg denies the averments of paragraph 111 of the Complaint.

112. Bloomberg denies the averments of paragraph 112 of the Complaint.

**AS TO ELEVENTH CAUSE OF ACTION**

113. Paragraph 113 of the Complaint does not require a response.

114. Bloomberg states that the averments of paragraph 114 of the Complaint call for a legal conclusion as to which no response is required.

115. Bloomberg denies the averments of paragraph 115 of the Complaint.

116. Bloomberg denies the averments of paragraph 116 of the Complaint.

117. Bloomberg denies the averments of paragraph 117 of the Complaint.

118. Bloomberg denies the averments of paragraph 118 of the Complaint.

119. Bloomberg denies the averments of paragraph 119 of the Complaint.

120. Bloomberg denies the averments of paragraph 120 of the Complaint.

121. Bloomberg denies the averments of paragraph 121 of the Complaint.

#### **AS TO TWELFTH CAUSE OF ACTION**

122. Paragraph 122 of the Complaint does not require a response.

123. Bloomberg denies the averments of paragraph 123 of the Complaint.

124. Bloomberg responds to the averments of paragraph 124 of the Complaint by stating that no Bloomberg employees, including Mr. Arelo, were subjected to treatment of the type alleged in paragraph 124 of the Complaint.

125. Bloomberg denies the averments of paragraph 125 of the Complaint.

126. Bloomberg denies the averments of paragraph 126 of the Complaint.

127. Bloomberg denies the averments of paragraph 127 of the Complaint.

#### **AS TO THIRTEENTH CAUSE OF ACTION**

128. Paragraph 128 of the Complaint does not require a response.

129. Bloomberg denies the averments of paragraph 129 of the Complaint.

130. Bloomberg responds to paragraph 130 of the Complaint by stating that no Bloomberg employees, including Arelo, were subjected to treatment of the type alleged in paragraph 130 of the Complaint.

131. Bloomberg denies the averments of paragraph 131 of the Complaint.

132. Bloomberg denies the averments of paragraph 132 of the Complaint.

133. Bloomberg denies the averments of paragraph 133 of the Complaint.

#### **AS TO FOURTEENTH CAUSE OF ACTION**

134. Paragraph 134 of the Complaint does not require a response.

135. Bloomberg denies the averments of paragraph 135 of the Complaint.

136. Bloomberg responds to the averments of paragraph 136 of the Complaint by stating that portions of the paragraph contain a legal conclusion to which no response is required. Bloomberg otherwise denies the averments of paragraph 136 of the Complaint.

137. Bloomberg denies the averments of paragraph 137 of the Complaint.

#### **AS TO FIFTEENTH CAUSE OF ACTION**

138. Paragraph 138 of the Complaint requires no response.

139. Bloomberg denies the averments of paragraph 139 of the Complaint.

140. Bloomberg denies the averments of paragraph 140 of the Complaint.

141. Bloomberg denies the averments of paragraph 141 of the Complaint.

**AS TO SIXTEENTH CAUSE OF ACTION**

142. Paragraph 142 of the Complaint requires no response.
143. Bloomberg denies the averments of paragraph 143 of the Complaint.
144. Bloomberg denies the averments of paragraph 144 of the Complaint.
145. Bloomberg denies the averments of paragraph 145 of the Complaint.
146. Bloomberg denies the averments of paragraph 146 of the Complaint.
147. Bloomberg denies the averments of paragraph 147 of the Complaint.

Bloomberg further denies the averments contained in each of the WHEREFORE clauses in the Complaint.

**AS TO JURY DEMAND**

148. Bloomberg respectfully submits that Plaintiff's jury demand of paragraph 148 of the Complaint does not require a response.

**FIRST AFFIRMATIVE DEFENSE**

1. The Complaint fails to state a claim upon which an award of punitive damages may be granted.

**SECOND AFFIRMATIVE DEFENSE**

2. Plaintiff's claims are barred in whole or in part by the statutes of limitations.

**THIRD AFFIRMATIVE DEFENSE**

3. Plaintiff has not pleaded his alleged claims with the requisite particularity.

**FOURTH AFFIRMATIVE DEFENSE**

4. Bloomberg's employment decisions with respect to Plaintiff were not motivated in whole in part by age, national origin or disability status.

**FIFTH AFFIRMATIVE DEFENSE**

5. Bloomberg's employment decisions with respect to Plaintiff were not motivated in whole or in part as retaliation for engaging in a protected activity.

**WHEREFORE**, for the foregoing reasons Defendant Bloomberg respectfully requests that the Court grant, *inter alia*, the following relief:

- A. Dismissal of the Complaint with prejudice and judgment in its favor;
- B. All fees, costs, expenses, and disbursements incurred in connection with this action, including reasonable attorneys' fees; and
- C. Such other and further relief as may be just and proper.

Dated: New York, New York  
January 25, 2008

WILLKIE FARR & GALLAGHER LLP

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